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No. 80-2049

# In the Supreme Court of the United States

OCTOBER TERM, 1980

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GEORGE A. RALSTON, WARDEN,

*Petitioner*

v.

JOHN CARROLL ROBINSON

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ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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## JOINT APPENDIX

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PETITION FOR WRIT OF CERTIORARI FILED JUNE 3, 1981
CERTIORARI GRANTED JUNE 22, 1981

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* The Report and Recommendation of the United States Magistrate, the judgment order of the district court, and the opinion and judgment of the court of appeals are printed as appendices to the petition for a writ of certiorari (Pet. App. 1a-29a).

## RELEVANT DOCKET ENTRIES

| DATE | PROCEEDINGS |
|---|---|
| 1978 | |
| Nov. 8 | Cause transferred to this district from Southern District of Indiana. |
| 1979 | |
| Jan. 29 | Motion to Amend, filed. |
| Feb. 16 | Motion to Proceed in Forma Pauperis and Affidavit in Support, filed. |
| | Motion to Amend Pursuant to Rule 15, filed. |
| | Writ of Mandamus Pursuant to Title 28 USC 1361, filed. |
| Mar. 30 | Letter in form of a motion requesting information on progress of case, filed. |
| Apr. 4 | Motion for Appointment of Counsel, filed. |
| | Affidavit in Support of Request to Proceed in Forma Pauperis, filed. |
| | Motion Under Rule 15, filed. |
| May 17 | Notices sent for Hearing on all Pending Motions and Pre-Trial Conference to be at the USP in Marion, Il. on Monday, June 4, 1979 at 9:30 A.M. |
| June 4 | Cause is called for hearing on all pending motions and pre-trial conf. Appearance by Beauparlant for the U.S. and Robinson, pro so. Motions pending discussed. Motion for appt. of counsel, denied. Matter taken under advisement. |
| July 16 | REQUEST FOR ADJUDICATION AND JUDGMENT by PLTF. |
| Aug. 3 | WRIT . . . of mandamus. |

| DATE | PROCEEDINGS |
|---|---|

1979

Aug. 24 REPORT AND RECOMMENDATION . . . petition for a Writ of Habeas Corpus be Granted. Further, that the respondent be directed to transfer Robinson to an institution at which he will be segregated from adult offenders and will receive treatment as prescribed by 18 U.S.C., § 5011 within thirty days. Copies to parties per MTA.

Sep. 6 Government's objection to report and recommendation.

Sep. 10 Sent file to (F) for final order . . . 6994691.

Oct. 22 Ptf. request for adjudication and judgment filed.

1980

Jan. 7 ENTER ORDER: . . . Therefore, the Report and Recommendation of the United States Magistrate is hereby ADOPTED, and it is ordered that the respondent be directed to transfer the petitioner Robinson to an institution at which he will be segregated from adult offenders and will receive treatment as prescribed by 18 USC § 5011 within 30 days of this order. (F) copies to parties filed hb.

Case closed JS 6 mailed.

Jan. 15 Request for Production of documents, by ptf, filed.

Jan. 21 Report of Pending Motions Hearing, Transcript, filed, By Jama Wagner.

Jan. 16 MOTION to stay pending appeal by dft., filed with supporting brief.

| DATE | PROCEEDINGS |
|---|---|

1980

Jan. 22 ORDER Before the Court is rsp. Motion to stay pending appeal. This case involves a serious issue of prison security and interpretation of the YCA. After considering all of the circumstances involved in this matter, the Court finds that justice would best be served if this case is stayed pending res.'s appeal process. If, however, a Notice of Appeal shall not be filed by respondent within 60 days of the entry of the Court's order of Jan. 7, 1980, the stay shall be vacated and the Order enforceable within 10 days thereafter. Motion to Stay Pending Appeal is hereby GRANTED upon the aforemention conditions, IT IS SO ORDERED (F), Copies to parties per ktm, filed.

Jan. 22 Response and objection for Motion to Stay by ptf., filed. with Affidavits, filed

Jan. 23 Response to request for production of documents by dft, filed

Feb. 1 Notice of Appeal filed by ptf.

Feb. 1 Sent short record to Court of Appeals, sent copy of appeal to all parties and Ct. Reporter.

Feb. 15 Sent file to Court of Appeals

Mar. 7 Notice of appeal by dft., filed, Sent up as a short record to Court of Appeals.

June 4 ORDER . . . that the MOTION for leave to file a reply to respondent's memo in support of response, and supplemental response, is hereby GRANTED and the clerk is directed to file the tendered copies of the petitioner-appellant, cross-appellee's reply. It is further Ordered that petitioner-appellant, cross-

| DATE | PROCEEDINGS |
|---|---|

1980

appelle's motion for stay pending appeal is DENIED. IT IS FURTHER ORDERED that this case will be set for oral argument at the earliest convenience of the Court in Sept. 1980 term (Court of Appeals)

July 21 ORDER . . . that Counsel call to the attention of the District Court the inaccuracies in the record, pursuant to Federal Rule of Appellate Procedure 10(e). (Court of Appeals)

July 23 Motion to Amend Record, filed.

10-1-80 ENTER ORDER: Case set for hearing on Motion to Amend Record on Mon., 10-20-80 at USP Marion before USMAG. Order to Issue Writ—Writ issued

10-14-80 MOTION to Not Appear in Person at October Hearing in Marion, filed.

10-15-80 ENTER ORDER: Before the Court is Petitioner's letter requesting that he not be returned to the USP Marion for a hearing scheduled by this Court on 10-20-80. Petitioner is presently incarcerated in Butner, N.C. . . . This being the case, the Court GRANTS Petitioner's Motion and ORDERS the Writ issued for his removal to the USP in Marion be cancelled. (M) copies to parties filed hb

10-20-80 Cause called for Hearing on Motion to Amend Record; held in Chambers. Pltf not present; Gvmt represented by Mary Beauparlant, AUSA. Fact reported that Pltf now serving Youth Corrections Act sentence. Ms. Beauparlant is to prepare an Order for Chief Judge Foreman and Magistrate Meyers to sign to amend the records.

| DATE | PROCEEDINGS |
|---|---|
| 1980 | |
| 10-28-80 | Writs returned; used 10-20-80, filed. |
| 11-19-80 | ORDER . . . Before the Ct. is petitioner's Motion to Amend the Record. Respondent seeks to amend the record to reflect two regular adult sentences cons. to Robinson's YCA sent. IT IS THEREFORE, ORDERED that the Motion to Amend the record be GRANTED and the record be so amended (M) copies to part. kt |

SUPREME COURT OF THE UNITED STATES

No. 80-2049

GEORGE A. RALSTON, WARDEN, PETITIONER

*v.*

JOHN CARROLL ROBINSON

ORDER ALLOWING CERTIORARI

Filed June 22, 1981

The petition herein for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit is granted.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1981 352607 596